

Agenda Item A7	Committee Date 31 May 2017	Application Number 17/00244/OUT
Application Site Land To The South West Of Thorneycroft Kirkby Lonsdale Road Arkholme Lancashire		Proposal Outline application for the erection of 12 dwellings with associated vehicular access, field access and new pedestrian links
Name of Applicant Mr T Jenkinson		Name of Agent Mr Avnish Panchal
Decision Target Date 31 May 2017		Reason For Delay None
Case Officer		Mrs Jennifer Rehman
Departure		No
Summary of Recommendation		Refusal

(i) Procedural Issues

This application is a resubmission of a withdrawn application (16/01271/OUT). This earlier planning application had been recommended for refusal and was set out in the 9th January 2017 planning committee agenda (agenda item A8) but was withdrawn before the committee meeting. A summary of the previous reasons for refusal are as follows:

- 1) Unsustainable and unsuitable extension to the village which would lead to an unacceptable encroachment of the countryside to the detriment of the visual amenity of the area and intrinsic character of the landscape and settlement.
- 2) The application failed to demonstrate that a safe and suitable vehicular access could be provided and further failed to provide suitable pedestrian connections between the site and the village.
- 3) It failed to provide sufficient information to assess and consider the impacts of the proposal on protected species
- 4) Insufficient information has been submitted to demonstrate that site can drain sustainably and would not lead to an increased flood risk on site or elsewhere.

Between the drafting of the earlier report and the committee, further information was submitted to try and resolve some of the reasons for refusal. The ecology reason had been sufficiently resolved and part of the highway reason had also been satisfied (in relation to the methodology for the traffic speed survey and the required sightlines). A verbal update would have been provided on this matter if the application had not been withdrawn.

1.0 The Site and its Surroundings

- 1.1 The site is located outside the main built-up area of Arkholme village, which is located approximately 170m to the southwest of the application site and is separated by a large area of green open space comprising the village football pitch and the Village Hall. The B6254 (Kirkby Lonsdale Road) runs along the north-western boundary of the site where there are currently two existing access points. A strong native hedgerow forms the boundary with the B6254. To the northeast of the site a detached residential dwelling, known as Thorneycroft, and its curtilage abuts the site albeit separated by a belt of trees. An area of woodland is located to the rear of Thorneycroft between part of the application

site and the railway line (Carnforth to Leeds line). Medium sized pastoral fields, intersected predominately by hedgerow trees and drainage ditches extend beyond the south-eastern boundary of the site towards the River Lune floodplain.

- 1.2 The application site is in agricultural use with a small shed-like building situated within the northern part of the site. The local topography is reflective of the transitional landscapes between the Valley Floodplain and Drumlin Field landscape character types. The land rises steeply to the north side of the B6254 with the small cluster of isolated properties positioned north of Thorneycroft, elevated approximately 5m above the road level (40m Above Ordnance Datum (AOD)). To the south side of the B6254 onto the application site, the site levels fall quickly from the roadside by approximately 5-6m and then level out with a much more gradual decline towards 30m AOD, in the direction towards the River Lune, which is located approximately 500m from the site. There are shallow undulations across the site and evidence of drainage ditches and streams. The ground conditions are boggy and wet evidenced by the wetland grass/reed bed vegetation present.
- 1.3 The site is outside the village Conservation Area within land designated as 'Countryside Area' (Saved Policies Lancaster District Local Plan). There are no other land-use/environmental designations affecting the site and no protected trees within the boundaries of the site or on neighbouring land. A public right of way (Footpath No: 6) which runs in a north-south direction lies approximately 195m to the east of the site.

2.0 The Proposal

- 2.1 The applicant seeks outline planning consent for the erection of 12 residential units with an associated vehicular access off the B6254, a field access road serving the fields to the southeast of the site and pedestrian links towards the village hall and the public right of way to the southeast (Footpath no.6). Only access is being applied for at this stage; all other matters (layout, scale, landscaping and appearance) are reserved for future consideration.
- 2.2 The proposed access arrangements involves closing off the two existing field access points and the construction of a new access located approximately 4m east of the existing furthestmost western access point. The access details are limited though its position and dimensions are clear. The access (as amended) forms a major/minor style priority junction with the B6254 with a 5.5m carriageway incorporating a 6m radii with 2m wide footway provision to its northern extent. The visibility splays are proposed at 2.4m x 43m in both directions.
- 2.3 The application also proposes a pedestrian footpath from the development site, across the agricultural fields to the rear towards the existing public right of way. The indicative plan includes a new farm track to enable future access to the surrounding fields and is partly included in the red edge. The full length of this indicative track is not within the development site and so does not form part of our consideration. The provision of a field access through the site can be considered. The application also includes a pedestrian link on the south western boundary of the development site through the village hall recreational field linking to their car park. Both links are outside the applicants control but notice has been served on the relevant owners and the correct certificates have been provided.
- 2.4 The application proposes to retain the majority of the trees and hedgerows on site, with the exception of short low quality hedgerow (H2 hawthorn), and 15m of another hedgerow (H6 mixed species) together with 2 small Alder trees (T11 and T12).

3.0 Site History

- 3.1 The only relevant planning history relates to the recently withdrawn proposal for the same development.

Application Number	Proposal	Decision
16/01271/OUT	Outline application for the erection of 12 dwellings with associated vehicular access, field access road and new pedestrian links.	WITHDRAWN

This earlier application had been recommended for refusal on 4 grounds as set out at the head of this report. For information, the table below includes a summary of other recent planning applications for residential development that have been approved **elsewhere in the village**. It should also be noted that the applicant sought pre-application advice with the local planning authority (on two occasions) and was advised that the proposal was unlikely to be acceptable.

Application Number	Proposal	Decision
15/01024/OUT	Outline application for the erection of up to 17 dwellings, associated access, provision of a new church car park and a new footway along the B6254 on land East Of Arkholme Methodist Church.	Approved
15/01584/FUL	Erection of a detached dwelling with associated access and landscaping	Approved and currently being implemented
14/00895/FUL	Demolition of existing bungalow and outbuildings and erection of 14 dwellings with associated access and landscaping and subsequent S73 application to vary house type design on Plot 5 (15/00481/VCN) on land previously known as 'The Shielling'.	Approved and implemented by Russell Armor

4.0 Consultation Responses

4.1 The following responses have been received from statutory and non-statutory consultees:

Consultee	Response
Parish Council	<p>Objection on the following grounds:</p> <ul style="list-style-type: none"> • Site is not identified within the Council's SHLAA (2015); • The inclusion of Arkholme as a rural sustainable village in the Local Plan is incorrect due to lack of infrastructure and lack of access to public transport; • Unsustainable location and reliance on private car; • Creation of a wide, well-lit footpath through to the village hall grounds would negatively impact the villages' green infrastructure; • The proposal represents an extension of the village eastwards not an infill. • Village already has a well-used play area and the proposed play area is some distance from the village; and • Impact on the ability to host sporting events and use of the playing fields
County Highways	<p>No objections, subject to the provision of a pedestrian link between the site and the village and protection of the visibility splays. Other key points - considers the site and development unsustainable resulting in an over reliance on the private car. These policy objections remain unaltered from the highway comments to (16/01271/OUT). The access and simple "major/minor" priority junction with 2.4m x 43m is considered appropriate in capacity terms given the level of traffic levels on Kirkby Lonsdale Road, subject to securing appropriate access geometry (5.5m carriageway with 6m radii) and protection of visibility splays. The amended site access drawing addresses the access geometry requirements with the exception of the footway position. Finally, the pedestrian link to the village hall grounds is outside the applicants control on third party land. Lack of detail relating to the prospects of securing this link, which if not delivered would not be conducive to a well-designed and safe walking environment. As an alternative the construction of a 2m wider footway along Kirkby Lonsdale Road for approximately 235m to the bus stop would be required.</p> <p>LCC Highways have made it clear that without the construction of appropriate view lines at the access and the provision of a suitable pedestrian connection between the site and the village, LCC Highways would recommend the application should either be refused or not capable of being implemented (through use of Grampian conditions).</p>

	If approved then County Highways would require conditions including detail of the visibility splays; provision of pedestrian link; upgrade of bus stops; extension of 30mph limit towards the access with enhanced gateway treatment; review and provision of street lighting along the site frontage tying into the village.
Environment Agency	No objection – Any discharge of sewerage effluent made to either surface water or groundwater will need to be registered as an exempt discharge and would require an Environmental Permit. Additional advice is provided regarding soakaway position.
Lead Local Flood Authority	Objection on the grounds of insufficient information to assess the principle of surface water drainage associated with the development. <i>LLFA have been re-consulted following further information submitted on the 9.5.17. A verbal update will be provided.</i>
United Utilities	No objection subject to conditions including foul and surface water to drain separately; surface water drainage details; and maintenance and management of drainage scheme.
LCC Schools Planning Team	No objection – no contribution sought at the time of considering the application.
Conservation Officer	Confirms the development will not have an impact on the setting of the conservation area.
Tree Protection Officer	No objection in principle but raises concerns over inconsistencies in the submission which needs rectifying.
Environmental Health Service	At the time of compiling this report no comments have been received.
Public Realm Officer	At the time of compiling this report no comments have been received.
PROW Officer	At the time of compiling this report no comments have been received.
Ramblers Association	At the time of compiling this report no comments have been received.
Lancashire Constabulary	At the time of compiling this report no comments have been received.
Natural England	No comments – the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.
Greater Manchester Ecological Unit (GMEU)	Comments as per the 16/01271/OUT still stand. No objections subject to <ul style="list-style-type: none"> • Works to trees limited to outside the main bird breeding season (March – July); • Any trees of moderate/high potential to support bats later proposed for felling to be limited until further bat surveys are undertaken; • Construction environmental method statement (Reasonable Avoidance Measures to prevent harm to protected species) • Tree/hedgerow retention • External lighting details/plan to be agreed – to prevent impacts on feeding/commuting bats • Biodiversity enhancement scheme

5.0 Neighbour Representations

5.1 At the time of writing this report 51 letters of objection have been received. A summary of the main reasons for opposition are as follows:

Principle concerns including: The site is not identified in the SHLAA or the Local Plan for housing development; no housing need and lack of demand for housing in the village; there are no discernible differences between this application and the withdrawn scheme (16/01271/OUT); the site is not 'infill' and not next to the existing built environment of the village nor represents a sensible or organic expansion of the village; unsustainable and disproportionate development (67% increase in properties since the development of the Herb Gardens including new, planned and proposed development); risk of precedent; the village should not be identified as a rural sustainable village; the proposal should not be considered in outline form due to the sensitive nature of the site.

Highway safety concerns including: site will be accessed off a narrow 60mph road with poor visibility and no footways; the access is substandard, steep, dangerous and would increase the risk of accidents; it is not clear that the visibility splays are achievable and can be maintained with the retention of hedgerows; November traffic survey is unrepresentative and does not accord with the

speeds/traffic levels residents witness; inadequate and inappropriate pedestrian connections to the village; uncertainty within the Highway Authority's response.

Infrastructure concerns including: the village lacks essential facilities to sustain expansion – there is no shop, no post office, no garage, no health facilities and no bus service; the public house is in decline; proposed footpath is via private land through a car park so raises issue over public safety and maintenance; the land is prone to flooding (standing water with high water table); the development would exacerbate flood risk elsewhere/downstream; no public sewerage system – potential risks of septic tank on land prone to flooding.

Landscape, nature conservation and design concerns including: loss of fields for grazing and habitats, impact on protected species; impacts on roadside hedgerows (they have already been severely chopped back); light pollution outside the built-up area of the village would be harmful to the landscape and the ecology of the area; impact on protected species and insufficient ecological report submitted; suburban form of development would be in conflict with the Conservation Area Appraisal; the development would be detrimental to the character and appearance of the village.

A number of objectors make reference to errors in the submission especially in relation to existing services within the village therefore questioning the integrity of the proposal.

An objection has been received from the Arkholme Village Hall Charity Board of Trustees. Who cite the lack of engagement from the applicants regarding the prospects of delivering and maintaining a pedestrian right of way across their land as a reason for opposition. Other concerns include the absence of engagement regarding the prospect of delivering or maintain the proposed play area on land outside the applicants/developers control; and the fact that the proposed footpath link ends at the village hall car park with no consideration of the health and safety considerations for pedestrians crossing the car park (vehicle/pedestrian conflict) which can be very busy at times;

David Morris MP has objected, on the grounds that the development would affect the fabric of the village; concerns over highway safety; concerns over deliverability of pedestrian connections and flood risk.

At the time of compiling this report 6 letters of support had been received. A summary of the reasons for support are as follows:

- There is a post office, great school, public house and school bus service;
- Additional development will support viability for a shop to operate;
- Ideal location for family homes and provides affordable homes for the community;
- Accidents on the B6254 have not been near the proposed access;
- Traffic flows freely on the B6254 with good visibility;
- There are drainage proposals to deal with surface water;
- The proposal does not impact ecology;
- The proposal is next to the existing settlement (enlarged Thorneycroft) and provides safe footpath links to serve the community – it is infill development between the playing fields and an existing dwellinghouse;
- Some public objections to the scheme unwarranted whilst the comments from the Trustees of the Village Hall don't take account of the benefits for the community at large.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 12, 14 and 17 - Sustainable Development and Core Principles

Paragraph 32, 34, 35 and 38 - Access and Transport

Paragraphs 47, 49, 50 and 55 - Delivering Housing

Paragraphs 56, 58, 60, 61 and 64 – Requiring Good Design

Paragraphs 69,70, 72 and 73 – Promoting Healthy Communities

Paragraph 103 – Flooding

Paragraphs 109, 115,116, 117,118 – Conserving the Natural Environment

Paragraph 120 – Risks from Pollution (contamination)

Paragraph 123 - Public health and noise considerations

Paragraphs 128-134 – Conserving and Enhancing the Historic Environment

6.2 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its' Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and
- (ii) A Review of the Development Management DPD.

This will enable progress to be made on the preparation of a Local Plan for the Lancaster District. It is envisaged that the public consultation will commence on 27 January 2017 and conclude on 24 March 2017, after which (if the consultation is successful), the local authority will be in a position to make swift progress in moving towards the latter stages of; reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Saved Policies of the Lancaster District Local Plan
E4 – Development in the Countryside

6.4 Lancaster District Core Strategy (LDCS)
SC1 – Sustainable Development
SC4 – Meeting the District's Housing Requirements
SC5 – Achieving Quality in Design
SC6 - Crime and Community Safety
SC8 – Recreation and Open Space
E1 – Environmental Capital
E2 – Transportation Measures

6.5 Development Management Development Plan Document (DM DPD)
DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM25 – Green Infrastructure
DM26 – Open Space, Sports and Recreational Facilities
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM35 – Key Design Principles
DM31 - Conservation Areas
DM38 – Development and Flood Risk
DM39 – Surface Water Run-off and Sustainable Drainage
DM40 – Protecting Water Resources and Infrastructure
DM41 – New Residential dwellings
DM42 – Managing Rural Housing Growth
DM48 – Community Infrastructure

6.6 Emerging Local Plan policies
Local Plan for Lancaster District 2011-2031 Part 1: Strategic Policies and Land Allocations - *Policy SP2: Lancaster District Settlement Hierarchy*.
Local Plan for Lancaster District 2011-2031 Part 2: Review of Development Management DPD
Policy DM4: Residential development outside Main Urban Areas.
(NB: Both retain Arkholme as a Sustainable Settlement).

- 6.7 Other Material Considerations
- Meeting Housing Needs Supplementary Planning Document (February 2013)
 - Open Space Provision within New Residential Developments Planning Advisory Note (October 2015)
 - Provision of Electric Vehicle Charging Points New Developments (February 2016)
 - Surface Water Drainage Flood Risk Management and watercourses Planning Advisory Note (May 2015)
 - Housing Land Supply Statement (March 2017)
 - Arkholme Conservation Area Appraisal (January 2016)
 - A Landscape Strategy for Lancashire - Lancaster Character Assessment (December 2000)

7.0 Comment and Analysis

7.1 The application raises the following key issues:

- 7.2 Principle of development and housing needs;
- 7.3 Landscape and visual amenity considerations;
- 7.4 Highway and pedestrian connectivity considerations;
- 7.5 Residential amenity;
- 7.6 Ecology, and;
- 7.7 Flooding and drainage.

7.2 Principle of Development

7.2.1 The NPPF introduces a requirement for Local Planning Authorities to meet their full, objectively assessed need for market and affordable housing in their area and to identify a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. Lancaster currently only has a 3.9 years supply (based on 400 new homes per annum). In such circumstances there is a presumption in favour of sustainable development. For decision making this means where the Development Plan in relation to its housing supply is assessed as being out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies of the NPPF taken as a whole, or specific policies in the NPPF indicate development should be restricted. As a consequence there is a clear expectation that unless material considerations imply otherwise sites that offer an opportunity to deliver housing should be considered favourably.

7.2.2 All tiers of local planning policy aim to deliver sustainable development. Most recently, the Development Management DPD creates greater opportunities for growth in the rural areas through the inclusion of a number of additional rural settlements where housing could be supported. Policy DM42 identifies Arkholme as a settlement where the Council would support new housing. However it also advises that new residential development on non-allocated sites (such as this one) must:

- Be well related to the existing built form of the settlement;
- Be proportionate to the existing scale and character of the settlement unless exceptional circumstances can be demonstrated;
- Be located where the environment and infrastructure can accommodate the impact of the development;
- Demonstrate good siting and design in order to conserve and where possible enhance the character and quality of the landscape.

7.2.3 The site is not an allocated site and has not been considered as part of the Strategic Housing Land Availability Assessment (SHLAA, 2015). The site is located in designated 'Countryside Area' divorced from the built-up part of the village separated by a large area of green open space

occupying the village hall and football pitch. The site is located off a country road subject to the national speed limit (60mph) with no footways or lighting.

- 7.2.4 Whilst the Local Plan proposals map does not specify village boundaries, it is clear that the settlement of Arkholme is built-up around a single street (Main Street) that runs up from the River Lune to the crossroads with the B6254 where there is a cluster of development including the school. The village has a strong linear settlement plan form which is acknowledged in the Conservation Area Appraisal (where paragraph 3.1 of the appraisal clearly states that the Conservation Area covers the whole of the village). The Conservation Area boundary does not include the application site or the adjacent village hall and recreational grounds, though clearly the village hall and recreational grounds serve the local community.
- 7.2.5 The applicant contends that the village hall and recreation field form part of the village fabric and that because the land between the site and the settlement is not in agricultural use (it is a sports field), that the proposal provides an infilling at the northern side of the settlement. This argument is based on a group of three residential properties (one associated with a farming enterprise) to the north of the site (Thoneycroft, Thorneys and New Croft). This small cluster of residential development comprises a sporadic cluster of isolated dwellings, which is not uncommon in the countryside. They do not form part of the built-up part of the village any more than the application site. To argue the proposal represents infill development within the settlement is, in our opinion, ill-conceived. Despite lying adjacent to existing recreational green space, the proposed site relates to an agricultural field some 170m from the edge of the built-up area of the village, accessed off an unlit 60mph road with no footways. The site is both visually and physically unrelated and poorly integrated with the existing settlement, and therefore fails the first test of Policy DM42.
- 7.2.6 With regards to housing needs, the pre-ambles to Policy DM42 states that the Council will support proposals for new housing in rural settlements that have good access to an appropriate range of services that contribute to the vitality of these settlements. The level of services and access to public transport within the village has diminished over recent years. The village now has a school, village hall, church and public house with post office services operating from the village hall 4 hours per week. The public bus services (except the school bus) serving the village had ceased completely until very recently (2nd May 2017) when a very limited bus service (Service 81A) was reinstated between Lancaster and Kirkby Lonsdale via Arkholme. This service runs in both directions arriving at Kirkby Lonsdale at 0835 am with the return bus being at 1750 pm, six days a week throughout the year. LCC Highways have informed officers that whilst these journeys are welcomed, they only exist to facilitate Kirkby Lonsdale Minicoaches' access to the Kirkby Lonsdale service they currently operate. There are no healthcare services, though this is not uncommon nowadays in smaller rural settlements, and no local shop. As such it is unreasonable to suggest the village is not quite as sustainable as previously considered. Notwithstanding this, it is a village identified in Policy DM42 where housing could be supported in principle (where it meets the general policy requirements of Policy DM42 which is not the case here) and continues to remain an identified sustainable settlement in the Emerging Local Plan too.
- 7.2.7 It goes on to state that proposals should have clear benefits for the local community and that they meet rural housing needs. The Council's Meeting Housing Needs SPD, which is informed by evidence from the District's Housing Needs Survey, indicates that in 'other rural settlements' (Arkholme is included in this classification) the identified need for market and affordable housing is predominately 4+ bedrooms and some 3 bedrooms properties. Since the adoption of the Meeting Housing Needs SPD in 2013 there have been significant welfare reforms which have increased the priority of smaller properties in the affordable sector. The proposal is in outline so the size of units are not for determination at this stage, though the indicative submission documents appear to conform to the market housing need requirements set out in the SPD. In terms of affordable housing provision, given the scheme is for more than 10 dwelling units on a greenfield site, up to 40% affordable housing on site should be provided in accordance Policy DM41. The applicant has indicated 5 of the 12 units would be affordable which complies with our policy, however, the size of the affordable housing units would need to include a mix of 2-bedroom and 3-bedroom properties. This could be incorporated into a legal agreement in the event the application was considered acceptable.
- 7.2.8 There has been significant local opposition to the scheme with one of the key areas of concern relating to the housing needs of the village, particularly given the recent approval of other recent housing sites in Arkholme and the apparent low demand/pace of sales. There is no evidence

within the submission addressing specific housing needs for Arkholme, however, it is acknowledged that for sites located within the identified rural settlement, there would be no requirement to evidence a housing need.

- 7.2.9 The second policy test in Policy DM42 requires proposals to be proportionate to the existing scale and character of the settlement unless exceptional circumstances can be demonstrated. Objectors have stated that the village has increased by 67% since 2006 (including consented schemes) and that a further proposal for housing would lead to inappropriate and disproportionate growth in the village. Arkholme has been subject to a number of planning proposals over recent years. The most notable schemes are those that have been implemented at The Herb Gardens and The Shielings. In this case, a proposal for a further 12 units in the village would not in isolation be regarded disproportionate especially given Arkholme is a recognised rural settlement in the Development Plan. However, unlike the recent approvals for residential development in the village, this site is not well-related to the existing built form and for this reason, the proposal is not considered to be proportionate to the character of the settlement and is therefore unacceptable. This recommendation is consistent with the pre-application advice offered to the applicant.

7.3 Landscape and visual amenity considerations

- 7.3.1 The site is located within the Countryside Area where proposals should be in scale and keeping with the character and natural beauty of the landscape (policy E4). Whilst the site is not located within a nationally designated landscape, development proposals should still respond to the local character of an area and should recognise the intrinsic character and beauty of the countryside. The application site is located within the 13c Docker-Kellet- Lancaster Landscape Character Area (LCA) on the periphery of a Drumlin Field Landscape Character Type (LCT). Land to the southeast crosses into the adjacent Valley Floodplain LCT. The landscape is reflective of these two LCTs, encompassing an undulating landscape, especially to the west of the site, with the land levels dropping to the east towards the valley floodplains, intersected by field boundaries, natural drainage ditches and pockets of woodland.
- 7.3.2 The land levels drop from an elevation of approximately 38m Above Ordnance Datum (AOD) to 31m AOD between the north western boundary and the south eastern boundary of the site. The site levels fall steeply for the first 15m into the site then the levels fall more gradually. Whilst the proposal is in outline form, given the topography of the site regard has to be paid to how the site can achieve the number of dwellings proposed and the associated access and infrastructure. What is clear from the illustrative plans is that housing on the proposed site would not lead to a housing scheme that is reflective of the design and character of the village. Any proposal on this site would result in an inward facing cul-de-sac primarily as a consequence of the site levels and access arrangements. Contrary to the submission documents the proposed dwellings would not respond to the linear character of the village and would lack any frontage or presence along the Kirkby Lonsdale Road. Alternative layouts to avoid this poor relationship to the existing character of the village would be difficult to achieve given the number of units proposed and without significant changes to existing land levels, which too could lead to an incongruous form of development and visual harm. The proposed access arrangements and sightlines (bell mouth of approximately 18m and the introduction of additional verge extending to around 30m - based on the indicative drawing) would also lead to visual harm in your officers' opinion. Beyond the built form of the village, the road is enclosed by strong native hedgerows – a defining feature of most rural roads. The development would inevitably lead to a break in this defining feature through the formalisation of the junction (unlike the existing field access points) which would be incongruous to the character and appearance of the countryside area.
- 7.3.3 The Conservation Area Appraisal recognises that the linear settlement plan of Arkholme has not been significantly altered since the survey of the 1845 Ordnance Survey Map and that this settlement pattern positively contributes to the understanding of the historic development of the Lune Valley and therefore should be preserved. The Appraisal notes that some modern development has responded to local distinctiveness and that despite more contemporary plan form arrangements, these developments have been evenly dispersed within the linear arrangement of the village. The development of the application site would not respect of the distinct architectural and historic plan form of the village, primarily because of the sites divorced location from the built-up part of the village. The development would not be considered in keeping with the character of the rural area and would fail to positively reflect and enhance the positive characteristics of its surroundings. It would subsequently lead to an inappropriate and unsympathetic encroachment of

the countryside. As a consequence the proposal would be detrimental to the character and visual amenity of the area. On this basis, the proposal would be contrary to saved policy E4, Core Strategy policies SC1, SC5 and E1, DM DPD policies DM28, DM35 and DM42 and the Core Principles and design section of the NPPF.

7.4 Highway and Pedestrian Connectivity considerations

- 7.4.1 The application proposes a single access point off the B6524 at the point where the road is subject to the national speed limit (60mph), is unlit and has no footway provision. Amendments indicate a revised access plan, supported by a highway technical note to evidence that the proposed access is appropriate and safe to serve the development. This has been supported by a traffic speed survey to inform the required visibility splays. The 85% percentile speed northbound and southbound were under 30mph in both wet and dry weather conditions which have informed visibility requirements of 2.4m x 39.3m (southbound) and 2.4m x 26.9m (northbound). For additional comfort, the applicant proposes 2.4m x 43m visibility splays in both directions.
- 7.4.2 The proposed access will involve the closing off of the existing two field access points and the provision of a new access. The visibility splay towards the village is included in the red edge but is on land outside the applicant's control. Whilst notice has been served on the relevant land owner the protection of the visibility splay will rely on appropriate management of the roadside hedgerow by a third party. LCC Highways have indicated that the splays to the south towards the village appear to be within the verge (beyond the actual access carriageway). Officers observed that the visibility splay requirements north of the access appear to require some removal or setting back of the hedgerow, particularly when you view the proposed arrangement on site. Officers have tried to obtain clarification and comfort that the splays are achievable with the retention of hedgerows as indicated in the submitted arboricultural report. The applicant claims that access drawing is based on topographical information and so the locations of the hedgerows are correct and that the visibility splays are achievable. If the splays can be provided there would be no highway grounds to object to the proposed access. Such can be secured by condition. Failure to secure the access and sightlines would mean that the implementation of the development should be prohibited (Grampian condition). There have to date been no objections received from the landowner affected by part of the development site and access arrangements.
- 7.4.3 LCC Highways contend the site is an unsustainable location and that there would be an over reliance on the private motor car. LCC have raised concerns over the ability to secure the visibility splays to serve the access, the access geometry and appropriate provision for safe pedestrian connections between the site and the village.
- 7.4.4 Previous concerns over the traffic speed surveys (on the withdrawn scheme) have been resolved and the amended site access drawing addresses the geometry concerns, with the exception of the location of the footway. The precise details of the access could be addressed by condition.
- 7.4.5 The pedestrian link from the site to the village hall is now included in the red edge, although no details have been provided to reassure Officers that this link is genuinely achievable given it is on third party land. The developer has served notice on this landowner (different landowner to part of the development site and access). There is no information provided within the application to confirm that the applicant has engaged with their landowner to firstly obtain any consent or to discuss the reasonable prospects of securing the link. There are no details as to the type of link this would be either. The provision of a safe pedestrian route between the site and the village amenities/services is considered an essential requirement of any proposal on this site. Without the provision of an all-weather pedestrian footway/route from the site towards the village hall, future residents of the development would be required to walk along an unlit length of rural carriageway which currently enjoys the national speed limit. Even if the speed limit was reduced to 30mph, this scenario would be detrimental to highway safety and would not be conducive to good design and safe and accessible development proposals. Most certainly this would fail to meet local plan policies DM20, DM21 and DM35 and paragraph 32 of the NPPF. The highway authority have also made it very clear this is an essential requirement.
- 7.4.6 National Planning Practice Guidance (NPPG) states that conditions requiring work on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body, often fail the condition tests of reasonableness and enforceability. In such cases it may be possible to achieve a similar result using a condition worded in a negative form. Such conditions

should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission. The applicant's suggested pedestrian village link comes with no guarantees it is achievable or deliverable at this stage. Nor does the application provide any details in relation to the long term maintenance of the suggested footpath link. The Village Hall (as the landowner where the link is proposed) have been consulted on the application and have objected to the proposal. Their main objection (in relation to the pedestrian link) relates to the lack of engagement with them to discuss the proposals and the prospects of delivering and maintaining a public right of way and also the highway safety concerns as the proposed link appears to extend only to the car park where there would be vehicle/pedestrian conflict. Guidance talks about the imposing of Grampian conditions only being imposed where there is reasonable prospect, yet there are also many cases where imposing a suitable Grampian condition is appropriate for the purposes of assessing a planning proposal even if there was no reasonable prospect of the required action being performed within the time limit in question.

- 7.4.7 LCC Highways had originally indicated that if the proposed pedestrian link could not be secured the provision of a 2m wide footpath along Kirkby Lonsdale Road could be an alternative option. This has been investigated and the Highways Authority advise that the verge is too narrow and the hedgerow is not within the adopted highway. Subsequently there would be substandard width within the adopted highway to accommodate such a link. Notwithstanding this, to provide such a link would require the hedgerow to be removed which would be unacceptable in visual and landscape terms. The only opinion therefore is for the provision of a suitable link between the site and the village hall grounds. It is understood that there is a permissive right through the village hall fields. This alone would not be sufficient to serve the development as a permissive route can be terminated at the landowner's discretion. To enable this proposal to be acceptable in highway safety terms, the link of this permissive route would need to be formalised and upgraded. In this case, the objection from the Trustees does not explicitly state they have an objection to a path in principle. Therefore conditioning the details and provision of before development commences could be an appropriate way to deal with this matter. Clearly if the applicant is unable to obtain the consent of the landowner and is unable to design an appropriate link, the development would be prohibited by using a negatively worded condition.
- 7.4.8 The red edge includes a pedestrian link to the existing public right of way to the east of the site. This is on land outside the applicant's control too. Again notice has been served on this third party landowner previously (before the footpath links were included in the red edge) as the main development site is partly owned by the applicant and partly owned by this third party landowner. Officers have been informed that this landowner is aware of the application and no objections have been received from them in light of their notice. This footpath link would enhance access to the open countryside for recreational purposes in the interests of public health and wellbeing. Whilst it is supported in principle the failure to provide this link would not make the development unacceptable. The Public Right of Way (PROW) Officer previously advised (on the withdrawn scheme) has confirmed that that any links to the existing footpath should be dedicated to the public in perpetuity under the Highway Act, although whether the applicant is capable of delivering this due to ownership constraints has been questioned. The provision of a field access would be required to ensure the agricultural land to the east of the site is accessible for the purposes of maintaining the pasture land. A condition could be imposed to secure the provision of a field access in the event the application was considered favourable. The Highway Authority have also provided comments in relation to the internal layout and parking provision. These are matters which in the event of an approval would be dealt with at the reserved matters stage.
- 7.4.9 Overall, the applicant has failed to evidence that a safe and suitable pedestrian connectivity can be provided from the site towards the village. The failure to secure the proposed pedestrian connection would make the development unacceptable and contrary to paragraphs 7, 17, 32 and 58 of the NPPF, Core Strategy policies SC1 and E2 and policies DM20, DM21 and DM35 of the DM DPD. However, it is contended that the application should not be refused on these grounds, rather negatively worded conditions (i.e. prohibiting development without securing and providing such links) could be imposed in the event the proposal was approved. This would accord with paragraph 203 of the NPPF, which states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions.

7.5 Residential Amenity

- 7.5.1 Given the isolation from the main built-up part of the village there are few impacts upon existing residential amenity. Given the topography of the site and its surroundings, the only existing neighbouring property likely to be affected directly is Thorneycroft. The development (at the reserved matters stage) would be capable of achieving an adequate layout which would meet the minimum recommended interface distances to ensure Thorneycroft's residential amenity is not adversely affected. Furthermore, the heights of dwellings (scale) and positioning of windows (appearance) could also be appropriately designed to prevent undue overlooking, overbearing impacts or loss of privacy. The submitted Arboricultural Implications Assessment proposes the protection of the existing tree/hedgerow boundary between the site and this neighbouring property, which is welcomed in the interests of both residential amenity and the visual amenity of the area. The properties known as Thorneys and New Croft are positioned on the other side of the B6254 and are elevated above the site. Whilst their view may change the development would be located sufficient distance from the site and on much lower ground. Their residential amenity (loss of privacy, overlooking and outlook) is not considered to be adversely affected.
- 7.5.2 At the reserved matters stage the proposed development should be capable of achieving the recommended residential amenity standards for the new dwellings as set out in Policy DM35. Overall there are no grounds at this outline stage for objecting to the proposal in relation to residential amenity.

7.6 Ecology

- 7.6.1 National and local planning policy seek to ensure new development proposals contribute to conserving and enhancing the natural environment including biodiversity. Policy DM27 of the DM DPD clearly states that the onus will be on the applicant to demonstrate how impacts on biodiversity have been minimised and that appropriated survey effort and assessment has been undertaken. An ecology appraisal has now been provided which concludes no notable or protected species were recorded on the site, although there was evidence of bat activity (not for roosting). The appraisal reports that the large oak tree on the south-west boundary has high potential to be used by roosting bats and that the hedges and trees on site are likely to be used by feeding and nesting birds. This tree is to be retained.
- 7.6.2 The ecological appraisal concludes that with appropriate mitigation including the retention of existing hedgerows and trees; the provision of additional landscaping; the provision of roosting opportunities for bats, and; precautionary measures during construction that the development would not adversely affect the biodiversity of the site and/or protected species. Following concerns raised during the earlier application, additional supporting information was provided (and again submitted with this application) specifically in relation to Badgers and Otters. The Council's ecology consultant has considered the applicants ecological assessments and concludes that the development of the site can be supported subject to the imposition of planning conditions to avoid any impact on protected species, together with biodiversity enhancement measures in accordance with paragraph 109 of the NPPF which requires the planning system to protect and enhance the natural and local environment. The development would accord with the requirements of paragraphs 7, 17, 109 and 118 of the NPPF, policies SC1 and E1 of the Core Strategy and policy DM27 and DM35 of the DM DPD.

7.7 Flood Risk and Drainage

- 7.7.1 The application site is located in flood zone 1. The site area is under 1 hectare therefore there is no requirement for a Flood Risk Assessment. The application has been accompanied by a drainage strategy which confirms that due to ground conditions the site is not conducive to infiltration techniques and that soakaways on site would not be viable. This strategy confirms that the existing site naturally drains through a combination of 150mm culverted pipes and natural ditches before is discharge to the River Lune some 500m from the development site. The application indicates that the proposed surface water runoff from the development would be attenuated to greenfield runoff rates and discharged to the existing ditch within the site to then connect to the existing watercourse. There have been a number of public concerns raised in respect of surface water flooding and whether the existing drainage network could deal with the impacts of the development. Policy DM39 requires proposals for new development to demonstrate that there is no increase in on-site or off-site surface water run-off rates after completion – in other words the site is capable of being drained without causing a flood risk. Paragraph 103 of the NPPF

also requires local planning authority's when determining planning applications, to ensure flood risk is not increased elsewhere.

7.7.2 The Lead Local Flood Authority (LLFA) have objected on the grounds that the applicant has failed to provide sufficient information to evidence that the existing system (a series of drainage ditches/pipework leading to the River Lune) is suitable and adequate to accommodate additional surface water discharged from the development without increasing the flood risk. The applicant has submitted further supporting information (letter dated 24th April 2017) which the LLFA are yet to provide comments on. The applicant reaffirms that there would be no additional discharge from the site as a surface water drainage scheme would have to be designed to attenuate and discharge to the greenfield rate. This additional information states that the drainage route will be as existing comprising a culverted watercourse across the field, which eventually discharges to the River Lune. It also goes on to state that the maintenance of the watercourse, including the drainage ditch system and culverts is the responsibility of the riparian owner and that there is a legal requirement for such owners to keep channels clear of anything that could cause an obstruction and increase flood risk. The applicant has referred to an appeal case where an Inspector concurred with an appellant that *there is a legal and enforceable requirement for riparian owners to provide maintenance of ditches and culvert systems that pass through their land without obstruction and that there are separate powers outside the planning system to ensure such flows are not obstructed*. On this basis, the Inspector did not consider the lack of maintenance of the wider system a sufficient reason to dismiss the appeal. The LLFA are considering this latest information and are due to provide comments before the committee meeting. A verbal update will be provided but at this stage, the application is recommended for refusal on the grounds of insufficient information to ascertain that the site is capable of being drained without increased flood risk.

7.7.3 With regards to foul drainage, the site will be served by a package treatment plant given the absence of a public sewerage system. The amended plan now includes an indicative location for a package treatment plant (within the development site) along with the specification for a proposed biodisk treatment plant. This will require discharge to the watercourse and is regulated under an Environmental Permitting regime governed by the Environment Agency. The Environment Agency have raised no objections to the proposed development or the principle of a package treatment plant on site. There are no grounds to resist the development on the grounds of inadequate provision for foul drainage.

7.8 Other Considerations

7.8.1 Given the location of the development, the development will result in an increase in traffic and a reliance on the private car. Policy DM36 encourages new development to deliver high standards of sustainable design. Policy DM37 also requires all new developments regardless of location not to have a negative impact on air quality. In the event of an approval, to ensure compliance with the above policies a condition for a scheme for the provision of electric charge facilities would be appropriate. This should ideally be in line with the Council's planning advisory document.

8.0 Planning Obligations

8.1 The County Council as the education authority have indicated there is no requirements at this stage for an education contribution. Previously (the withdrawn scheme) they had requested secondary places for Carnforth High School but officers had contended this would not have been reasonable as the nearest secondary school was in Kirkby Lonsdale (outside Lancashire) and not Carnforth, plus there was no school bus service running via the village to Carnforth. Subsequently, the contribution would not be related to the development (as future occupiers would be highly unlikely to be attending Carnforth High School).

8.2 The application proposes 40% affordable housing on the site to be secured by a legal agreement. In the event that planning permission was favourably considered the applicant would need to enter into a legal agreement to secure 40% affordable housing on site based on a 50:50 rented: intermediate split as per the Council's affordable housing policy.

8.3 With regards to public open space requirements, the Public Realm Officer had previously indicated (withdrawn scheme) approximately 252sq.m of amenity space would be required on-site and that an off-site contribution to the sum of £44,802 would be required. The off-site contribution would be towards improvements to the outdoor sports facilities in the village (football facilities) and the

provisions of children's play and young persons' play. The application indicatively shows a potential play area located outside the application site on land associated with the Village Hall. This land is not owned by the Parish Council but is owned by the Village Hall Trustees. There is no information within the application to suggest the Village Hall would want a play area on their land and if they would maintain it in the long term. Furthermore, the Parish indicate in their response that a play area is not required as there is access to the school play area (outside school times). A contribution to make improvements to the football pitch is supported in principle and in the event of an approval, the final off-site contribution should be calculated at the reserved matters stage, as the methodology for the contribution is based on bedroom numbers. Amenity space on site should be delivered in the interest of good design. The size of amenity space should be proportionate to the development and is capable of being addressed at the reserved matters stage. It is anticipated this would involve the replacement of a couple of the large units indicatively shown on the proposed plan with smaller units to provide the additional amenity space. The provision of the smaller units would be consistent with our advice to meet the affordable housing needs in any case.

9.0 Conclusions

- 9.1 The NPPF states that there are three dimensions to sustainable development (economic, social and environmental roles) and that these roles should not be taken in isolation as they are mutually dependent. Subsequently in order to achieve sustainable development economic, environmental and social roles should be sought jointly and simultaneously through the planning system.
- 9.2 The presumption in favour of sustainable development is engaged (paragraph 49 and 14 of the NPPF) as the proposal relates to housing development and the Council cannot demonstrate a 5 year housing land supply. For decision-taking this means:
- Approving development proposals that accord with the development plan without delay; and
 - Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole; or
 - Specific policies in this Framework indicate development should be restricted.

The report above sets out the main issues and the associated impacts of the proposal. Overall it is contended that the divorced position of the site away from the built-up part of the village within the countryside area would have a harmful impact on the character and appearance of the countryside and fails to provide a suitable extension to the village. These impacts would significantly and demonstrably outweigh the benefits of delivering a small number of houses in the district. At present the LLFA maintain their objection, though the applicant has attempted to address their concerns. Until the LLFA are satisfied with the additional information there remains a drainage objection to the scheme. If their concerns cannot be overcome and the applicant cannot satisfactorily demonstrate that the development would not lead to an increased flood risk, the application should be refused on this basis. A verbal update will be provided. Whilst there are concerns over the pedestrian connectivity between the site and the village, such would not lead to a refusal of planning permission on the basis it forms part of the application and its delivery is a matter of securing appropriate agreements with the affected landowner. Such could be dealt with by condition. Overall, Members are advised that the proposal does not represent sustainable development and should be refused.

Recommendation

That Outline Planning Permission **BE REFUSED** for the following reasons:

1. The proposed development, by virtue of the sites divorced location away from the existing built-up part of Arkholme village would not represent a sustainable or suitable extension to the village. As a consequence, the proposal fails to appropriately integrate with the natural and built environment and would result in an unacceptable encroachment of the open and rural countryside to the detriment of the visual amenities of the area and the intrinsic character of the rural landscape and settlement. As a consequence the proposal is considered contrary to saved policy E4 of the Lancaster District Local Plan, policies SC1, SC5 and E1 of the Core Strategy, policies DM20, DM21, DM28, DM35 and DM42 and the Development Management Development Plan Document and paragraphs 7, 17 and Section 7 of the National Planning Policy Framework.

2. Insufficient information has been submitted to demonstrate that site can drain sustainably and would not lead to an increased flood risk on site or elsewhere. As a consequence, the proposal is considered contrary to paragraph 17 and 103 of the National Planning Policy Framework, Core Strategy policy SC1 and policies DM35 and DM39 of the Development Management Development Plan Document.

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, the City Council can confirm the following:

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Whilst the applicant has taken advantage of this service prior to submission, the resulting proposal is unacceptable for the reasons prescribed in the Notice and that of the pre-application Advice. Unfortunately some of the problems associated with the scheme are so fundamental that they are incapable of being resolved as part of the current submission.

Background Papers

None